HOUSTON LAW REVIEW

VOLUME 27
Issues 1-4

VOLUME 27A
Issue 1

INDEX

LAW CENTER
UNIVERSITY OF HOUSTON
HOUSTON, TEXAS
1990

TABLE OF CASES*

Aaron v. SEC 154
Albequerque Publishing Co. (Arb.) 528, 553
American Standard (Arb.) 537
Amoco Prod. Co. v. Columbia Gas Transmission Corp. 144
Amoco Prod. Co. v. First Baptist Church of Pyote 137
Arlington Heights v. Metropolitan Hous. Dev. Corp. 566
Associated General Contractors v. San Francisco, City of 62, 64, 68, 70, 76-77
Baker v. McCollan 415
Balanovski v. United States 319-20
Bates v. State Bar of Arizona A410-11
Bay Area Rapid Transit (Arb.) 525-26, 531
Bell v. Wolfish 420-21, 439-40
Bellotti v. Baird 444
Beshada v. John-Manville Prods. Corp. 254
Bivens v. Six Unknown Named Agents 438
Bowsher v. Synar 637-38, 641, 695-96, 703
Briggs v. Elliott 568-69, 580-81, 591
Brown v. Kentucky 170-72
Buckley v. Valeo 635-38, 655, 702
Burkhart Petroleum Corp. v. ANR Pipeline Co. 111-12
CTS Corp. v. Dynamics Corp. of America 102, 83-87, 90-100
Callery Properties, Inc. v. Federal Power Comm'n 116, 118
Camara v. Municipal Court 422
Carnation Co. v. Wong 197-98, 202, 205
Charter Oak Fed. Sav. Bank v. Ohio 171-72
Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc. 717, 727-29
Chicago Council of Lawyers v. Bauer A308
Cisneros v. Corpus Christi Indep. School Dist. 585
Coleman v. Franklin Parish School Bd. 407, 416-21, 424
ConAgra, Inc. v. Cargill, Inc. 801-02, 804
Concrete Pipe Prod. Co. (Arb.) 531
Cooper v. Aaron 581
Cunningham v. Beavers 404, 406, 407, 414, 417, 420-21, 425-26, 432, 437
Daniels v. Williams 412-13, 428-30
Davidson v. Cannon 412, 428
Davis v. CIG Exploration, Inc. 138-39
Davis v. Scherer 176
Dayton Bd. of Educ. v. Brinkman (Dayton I) 588-90
Dayton Bd. of Educ. v. Brinkman (Dayton II) 589-90
DeShaney v. Winnebago County Dep't Social Serv. 421-22
Decatur v. Paulding 623-24
Diamond Shamrock Exploration Co. v. Hodel 116-20, 127, 129-30
Dowell v. Board of Educ. 562-64, 566, 574, 589-91, 595-96
Duncan v. Cessna Aircraft Co. 265-66, 269, 286
EEOC v. Safeway Stores, Inc. 563
Edelman v. Jordan 165, 169-70
Edgar v. MITE Corp. 81-83, 90, 92, 95, 98-102
Ernst & Ernst v. Hochfelder 154
F.W. Berk & Co. v. Derecktor 763-64
Feldman v. Lederle Laboratories 254
Fleming Foods (Arb.) 534
Florida Bar v. Kaiser A387
Foreman v. Community Servs., Inc. 168-69
Friedman v. Rogers A448
Fullilove v. Klutznick 48, 53
Garcia v. San Antonio Metro. Transit Auth. 161-62
Garrison v. Louisiana A460
General Motors v. Simmons 285-86
George R. Whitten, Jr., Inc. v. State Univ. Constr. Fund 164
Graham v. Connor 417-19, 440
Green v. County School Bd. 584
Green v. Utah 171-72
Gulf Atl. Distribution Serv. (Arb.) 538
Haberman v. Washington Pub. Power Supply Sys. 159-60
Hanover Petroleum Corp. v. Tenneco, Inc. 109-11

* Cases appearing in Volume 27A are indicated by an "A" preceding the page number.

Henry v. Ballard & Cordell Corp. 128-29, 134
Hoffer v. State 157-58, 160
Houston Lighting & Power (Arb.) 528
Hudson v. Palmer 429-32, 434
Humphrey's Executor v. United States 630-32, 647, 660, 703
Immigration & Naturalization Serv. v. Chadha 637-38, 696, 703
Ingraham v. Wright 401, 404, 407, 408, 425-27, 429, 437
Jewel Cos. v. Pay Less Drug Stores N.W. Inc. 800-802, 804
Johnson v. Glick 416, 440
Johnson v. Morel 406, 415-21
Johnson v. Zerbst 358
Kendall v. United States 622-23, 625, 657
Kerby v. Abilene Christian College 196-97, 205
Keyes v. School Dist. No. 1 585-86, 590
Kroger Co. (Arb.) 551
Law v. Superior Court 181-84, 191, 193-94, 200, 203
Lee v. Macon County Bd. of Educ. 587, 595
Logan v. Zimmerman Brush Co. 428-29, 431, 434
Lucas v. United States 274-75
MTA, Houston (Arb.) 552
Maddox v. State A263-64
Marbury v. Madison 176, 618-22, 625, 634, 657
Maverick Tube Co. (Arb.) 525, 552
McLaurin v. Oklahoma State Regents 578
Memphis Light, Gas & Water Div. v. Craft 429
Mesa Petroleum Co. v. United States Dep't of Interior 114-17, 119-20, 123, 127-30
Michigan Road Builders Ass'n v. Milken 50, 68
Milliken v. Bradley (Milliken I) 586, 588, 590-92, 597
Mills v. Rogers 463
Miranda v. Arizona A334
Missouri ex rel Gaines 576
Monroe v. Pape 438
Moran v. Burbine 439-40
Morrison v. Olson 600-01, 638, 641-46, 657, 703, 730
Motor Vehicle Mfrs. Ass'n of the United States v. State Farm Mutual Auto. Ins. Co. 723-24
Meyers v. United States 626-30, 632, 641-42, 652
Nash v. Kamrath 182, 184
National League of Cities v. Usery 161
New Jersey v. T.L.O. 422-23
New York City Mun. Sec. Litig., In re 152
New York Times v. Sullivan A460-61
Nix v. Whitesicle A260-63
Nixon v. Administrator of General Servs. 634
Nixon v. United States 633-35, 644
North County Transit Dist. (Arb.) 530
Ohralik v. Ohio State Bar Ass'n A437
Oil Chem. & Atomic Workers Int'l (Arb.) 549
Oil Chem. & Atomic Workers (Arb.) 525
Owen v. Independence, City of 174
Pacific Bell (Arb.) 551
Parden v. Terminal Ry. 165-70
Parratt v. Taylor 427-34
Pasadena Bd. of Educ. v. Spangler 558, 563-64, 566, 586-88, 590-91, 593, 596, 597
Patterson v. McLean Credit Union 592
Peel v. Attorney Registration and Disciplinary Comm'n of Illinois A423
Pennsylvania v. Union Gas Co. 167
Pennzoil Co. v. State 122, 127, 129-30
Pennzoil Co. v. Texaco, Inc. 736, 835
People v. Merritt 347
Perkins v. United States 624-25
Petroleum Wholesale Inc. v. Marshall A177-78
Phillips Indus. Inc. (Arb.) 526-27, 533
Piney Woods Country Life School v. Shell Oil Co. 115, 118-19
Piper v. Chris-Craft Indus., Inc. 94, 96
Plessy v. Ferguson 574-76
Primus, In re A436-37
R.M.J., In re A411-12
Rennie v. Klein 481
Richmond, City of v. J.A. Croson Co. 49-64, 77
Riddick v. School Bd. 565-66, 574, 589-90, 595
Rivers v. Katz 473, 496
Rochin v. California 414-17, 421, 439-40
Rock v. Arkansas 391
Rogers v. Commissioner of Mental Health 496
Rogers v. Okin 481
Runyon v. McCravy 592
Ryder, In re A276

SEC v. Jan-Dal Oil & Gas, Inc. 563
Sanford Corp. (Arb.) 530
Shapero v. Kentucky Bar Ass'n A426, A434, A478
Sheppard v. Maxwell A305
Shillingford v. Holmes 416
Sindell v. Abbott Laboratories 253
Sonnier v. Ramsey 195-97
South Park Indep. School Dist. v. United States 557
Spevack v. Klein A456-57
State v. Phelps A91
United States 557, 588
Steelworkers v. Enterprise Wheel & Car Corp. 520
Stone Petroleum Co. v. Tenneco 141
Swann v. Charlotte-Mecklenburg Bd. of Educ. 584, 587, 590
Sweatt v. Painter 578
Taylor v. Illinois 335-36, 354-55, 360-61, 381-82, 386-97
Texaco, Inc. v. Pennzoil Co. 737, 739, 764, 776, 778-80, 782-83, 827-836, 838, 840
Texas City Ref. (Arb.) 544-45
Tom Brown Drilling Co. v. Nieman 194-95, 197
Town of Newton v. Rumery A327-28
Trailways, Inc. (Arb.) 543, 545
Trustees of Dartmouth College v. Woodward 91
Union Plaza Hotel (Arb.) 548
United Paperworks Int'l v. Misco, Inc. 520-21
United States v. Bagley A335
United States v. Balanovski 319-20
United States v. Jefferson County Bd. of Educ. (Jefferson II) 571
United States v. Jefferson County Bd. of Educ. (Jefferson I) 582-84
United States v. Overton 595-96
United States v. South Park Indep. School Dist. 587
United States v. Texas Educ. Agency 595
Unitd States ex rel. Wilcox v. Johnson A261-62
Valdosta v. United States 588
Vitek v. Jones 436
Vulcan Materials Co. (Arb.) 541
Warehouse Distribution Centers (Arb.) 542
Washington v. Davis 566
Washington v. Harper 463-65
Washington v. Texas 330-31, 345, 360, 392
Washington Pub. Power Supply Sys. Sec. Litig., In re 153, 163, 175-77
Weiner v. United States 632
Welch v. Texas Dep't of Highways and Pub. Servs. 166-67, 171
Williams v. Florida 333-34
Wills v. Wills 306-11
Wood v. Lucy, Lady Duff-Gordon 797
Woodard v. Los Fresnos Indep. School Dist. 407
Woods v. Homes and Structures of Pittsburg, Kansas, Inc. 162
Wygant v. Jackson Bd of Educ. 48, 49
Yeomans v. Kentucky 171-72
Young v. United States ex. rel. Vuitton et Fils S.A. 655
Youngberg v. Romeo 421, 464
Youngblood v. Board of Instruction 588, 596
Zauderer v. Office of Disciplinary Counsel A413
Zinermon v. Burch 430

SUBJECT INDEX

ADMINISTRATION OF JUSTICE

Overcoming Original Sin: The Redemption of the Desegregated School System ..... COMMENT 557

ATTORNEYS

A Guide to the Texas Disciplinary Rules of Professional Conduct ..... Robert P. Schuwerk & John F. Sutton A1

AUTOMOBILES

The Continuing Controversy of the Seatbelt Defense ..... COMMENT 179

CIVIL RIGHTS

A Study in Irrationality: Refusal to Grant Substantive Due Process Protection Against Excessive Corporal Punishment in the Public Schools ..... Irene Merker Rosenberg 399

CONSTITUTIONAL LAW - CRIMINAL PROCEDURE

Preclusion: Procedural Efficiency and the Right to Defend ..... COMMENT 327

CONSTITUTIONAL LAW - DISTRIBUTION OF GOVERNMENTAL POWERS AND

The Surviving Significance of the Unitary Executive ..... Frank B. Cross 599

CONSTITUTIONAL LAW - DUE PROCESS

Drug Testing in the Unionized Workplace: Are There Any Standards? ..... COMMENT 515

A Study in Irrationality: Refusal to Grant Substantive Due Process Protection Against Excessive Corporal Punishment in the Public Schools ..... Irene Merker Rosenberg 399

CONSTITUTIONAL LAW - PERSONAL, CIVIL AND POLITICAL RIGHTS

The "Therapeutic Orgy" and the "Right to Rot" Collide: The Right to Refuse Antipsychotic Drugs Under State Law ..... Catherine E. Blackburn 447

CONSTITUTIONAL LAW - PRIVILEGES AND IMMUNITIES OF CLASS

Sovereign and Official Immunity Issues in Securities Litigation ..... COMMENT 147

CONSTITUTIONAL LAW - RIGHT TO TRIAL BY JURY

Texaco, Pennzoil and the Revolt of the Masses: A Contracts Postmortem ..... Michael Ansaldi 733

CONSTITUTIONAL LAW - SEARCH AND SEIZURE

Drug Testing in the Unionized Workplace: Are there any Standards? ..... COMMENT 515

CONTRACTS

Royalty on Take-Or-Pay Payments and Related Consideration Accruing to Producers ..... COMMENT 105

Texaco, Pennzoil and the Revolt of the Masses: A Contracts Postmortem ..... Michael Ansaldi 733

CORPORATIONS - TAKEOVERS

Costs and Benefits of State Innovation in Tender Offer Legislation ..... COMMENT 788

COVENANTS

Royalty on Take-Or-Pay Payments and Related Consideration Accruing to Producers ..... COMMENT 105

DEFENSES

Royalty on Take-Or-Pay Payments and Related Consideration Accruing to Producers ..... COMMENT 105

DISCOVERY

Preclusion: Procedural Efficiency and the Right to Defend ..... COMMENT 327

DISCRIMINATION - RACE

The Equal Protection Dilemma of Voluntary State and Local Set-Aside Programs for Minorites and Women ..... Ronald L. Taylor 45

Overcoming Original Sin: The Redemption of the Desegregated School System ..... COMMENT 557

DISCRIMINATION - SEX

The Equal Protection Dilemma of Voluntary State and Local Set-Aside Programs for

Minorites and Women ..... Ronald L. Taylor 45

DOMESTIC RELATIONS

Making Partners Pay Child Support: The Changing Order at 100 ..... Alan Weinberger 297

DRUG TESTING

Drug Testing in the Unionized Workplace: Are there any Standards? ..... COMMENT 515

DRUGS AND DRUGGISTS

The "Therapeutic Orgy" and the "Right to Rot" Collide: The Right to Refuse Antipsychotic Drugs Under State Law ..... Catherine E. Blackburn 447

EDUCATION

Overcoming Original Sin: The Redemption of the Desegregated School System ..... COMMENT 557

EMPLOYER AND EMPLOYEE

Drug Testing in the Unionized Workplace: Are there any Standards? ..... COMMENT 515

EQUAL PROTECTION

The Equal Protection Dilemma of Voluntary State and Local Set-Aside Programs for Minorites and Women ..... Ronald L. Taylor 45

EVIDENCE - ADMISSION IN EVIDENCE

The Continuing Controversy of the Seatbelt Defense ..... COMMENT 179

FAMILY LAW

Making Partners Pay Child Support: The Changing Order at 100 ..... Alan Weinberger 297

GAS AND GAS COMPANIES

Royalty on Take-Or-Pay Payments and Related Consideration Accruing to Producers ..... COMMENT 105

GOVERNMENT LIABILITY

Sovereign and Official Immunity Issues in Securities Litigation ..... COMMENT 147

HEALTH

The "Therapeutic Orgy" and the "Right to

Rot" Collide: The Right to Refuse Antipsychotic Drugs Under State Law ..... Catherine E. Blackburn 447

HOSPITALS

The "Therapeutic Orgy" and the "Right to Rot" Collide: The Right to Refuse Antipsychotic Drugs Under State Law ..... Catherine E. Blackburn 447

IMMUNITY

Sovereign and Official Immunity Issues in Securities Litigation ..... COMMENT 147

INSANE PERSONS

The "Therapeutic Orgy" and the "Right to Rot" Collide: The Right to Refuse Antipsychotic Drugs Under State Law ..... Catherine E. Blackburn 447

JUDGMENTS

"Off to the Races": The 1980s Tort Crisis and the Law Reform Process ..... Joseph Sanders & Craig Joyce 207

JUDICIAL REVIEW

The Surviving Significance of the Unitary Executive ..... Frank B. Cross 599

JURISPRUDENCE

The Surviving Significance of the Unitary Executive ..... Frank B. Cross 599

LABOR

Drug Testing in the Unionized Workplace: Are there any Standards? ..... COMMENT 515

LAW REFORM

"Off to the Races": The 1980s Tort Crisis and the Law Reform Process ..... Joseph Sanders & Craig Joyce 207

LEGAL HISTORY

At the Crossroads of Reform: The First Fifty Years of American Legal Aid, 1876-1926 ..... Philip L. Merkel 1

LEGAL PROFESSION

A Guide to the Texas Disciplinary Rules of Professional Conduct ..... Robert P. Schuwerk & John F. Sutton A1

LEGISLATION

"Off to the Races": The 1980s Tort Crisis and the Law Reform Process ..... Joseph Sanders & Craig Joyce 207

Costs and Benefits of State Innovation in Tender Offer Legislation ..... COMMENT 79

LOCAL GOVERNMENT

Sovereign and Official Immunity Issues in Securities Litigation ..... COMMENT 147

OIL AND GAS

Royalty on Take-Or-Pay Payments and Related Consideration Accruing to Producers ..... COMMENT 105

PARTNERSHIP

Making Partners Pay Child Support: The Changing Order at 100 ..... Alan Weinberger 297

PUBLIC FINANCE

Sovereign and Official Immunity Issues in Securities Litigation ..... COMMENT 147

SECURITIES

Costs and Benefits of State Innovation in Tender Offer Legislation ..... COMMENT 79

Sovereign and Official Immunity Issues in Securities Litigation ..... COMMENT 147

STATE ACTION

A Study in Irrationality: Refusal to Grant Substantive Due Process Protection Against Excessive Corporal Punishment in the Public Schools ..... Irene Merker Rosenberg 399

STOCKS AND STOCKHOLDERS

Costs and Benefits of State Innovation in Tender Offer Legislation ..... COMMENT 79

TORTS

"Off to the Races": The 1980s Tort Crisis

and the Law Reform Process ..... Joseph Sanders & Craig Joyce 207

The Continuing Controversy of the Seatbelt Defense ..... COMMENT 179

BY TITLE

At the Crossroads of Reform: The First Fifty Years of American Legal Aid, 1876-1926 ... Philip L. Merkel 1

The Continuing Controversy of the Seatbelt Defense ... COMMENT 179

Costs and Benefits of State Innovation in Tender Offer Legislation ... COMMENT 79

Drug Testing in the Unionized Workplace: Are there any Standards? ... COMMENT 515

The Equal Protection Dilemma of Voluntary State and Local Set-Aside Programs for Minorites and Women ... Ronald L. Taylor 45

A Guide to the Texas Disciplinary Rules of Professional Conduct ... Robert P. Schuwerk & John F. Sutton A1

Making Partners Pay Child Support: The Changing Order at 100 ... Alan Weinberger 297

"Off to the Races": The 1980s Tort Crisis and the Law Reform Process ... Joseph Sanders & Craig Joyce 207

Overcoming Original Sin: The Redemption of the Desegregated School System ... COMMENT 557

Preclusion: Procedural Efficiency and the Right to Defend ... COMMENT 327

Royalty on Take-Or-Pay Payments and Related Consideration Accruing to Producers ... COMMENT 105

Sovereign and Official Immunity Issues in Securities Litigation ... COMMENT 147

A Study in Irrationality: Refusal to Grant Substantive Due Process Protection Against Excessive Corporal Punishment in the Public Schools ... Irene Merker Rosenberg 399

The Surviving Significance of the Unitary Executive ... Frank B. Cross 599

Texaco, Pennzoil and the Revolt of the Masses: A Contracts Postmortem ... Michael Ansaldi 733

The "Therapeutic Orgy" and the "Right to Rot" Collide: The Right to Refuse Antipsychotic Drugs Under State Law ... Catherine E. Blackburn 447

BY AUTHOR

Ansaldi, Michael, Texaco, Pennzoil and the Revolt of the Masses: A Contracts Postmortem 733
Blackburn, Catherine E., The "Therapeutic Orgy" and the "Right to Rot" Collide: The Right to Refuse Antipsychotic Drugs Under State Law 447
Cross, Frank B., The Surviving Significance of the Unitary Executive 599
Merkel, Philip L., At the Crossroads of Reform: The First Fifty Years of American Legal Aid, 1876-1926. 1
Rosenberg, Irene Merker, A Study in Irrationality: Refusal to Grant Substantive Due Process Protection Against Excessive Corporal Punishment in the Public Schools 399
Sanders, Joseph & Joyce, Craig, "Off to the Races": The 1980s Tort Crisis and the Law Reform Process 207
Schuwerk, Robert P. & Sutton, John F., A Guide to the Texas Disciplinary Rules of Professional Conduct A1
Taylor, Ronald L., The Equal Protection Dilemma of Voluntary State and Local Set-Aside Programs for Minorites and Women 45
Weinberger, Alan, Making Partners Pay Child Support: The Changing Order at 100 297

INDEX OF COMMENTS

The Continuing Controversy of the Seatbelt Defense 179
Costs and Benefits of State Innovation in Tender Offer Legislation 79
Drug Testing in the Unionized Workplace: Are there any Standards? 515
Overcoming Original Sin: The Redemption of the Desegregated School System 557
Preclusion: Procedural Efficiency and the Right to Defend 327
Royalty on Take-or-Pay Payments and Related Consideration Accruing to Producers 105
Sovereign and Official Immunity Issues in Securities Litigation 147